Case 3:06-cv-07339-MJJ Document 5-1 Filed 01/23/2007 Page 1 of 14 Ronald Lovitt, Bar No. 040921 1 J. Thomas Hannan, Bar No. 039140 2 Henry I. Bornstein, Bar No. 75885 LOVITT & HANNAN, INC. 3 900 Front Street, Suite 300 Bartko, Zankel, Tarrant & Miller P.C. San Francisco, California 94111 E-Filing 4 Telephone: (415) 362-8769 Facsimile: (415) 362-7528 5 OF COUNSEL TO: rl@lh-sf.com, jth@lh-sf.com, hib@lh-sf.com 6 Attorneys for Defendants 7 K-M Industries Holding Co. Inc.; K-M Industries Holding Co.Inc. ESOP Plan Committee; 8 and CIG ESOP Plan Committee 9 10 UNITED STATES DISTRICT COURT 11 LOVITT & HANNAN, INC. NORTHERN DISTRICT OF CALIFORNIA 900 FRONT STREET, SUITE 300 12 SAN FRANCISCO 94111 ATTORNEYS AT LAW SAN FRANCISCO DIVISION 13 THOMAS FERNANDEZ and LORA Case No. C06-07339 MJJ 14 SMITH, individually and on behalf of a class of all others similarly situated. STIPULATION AND PROPOSED 15 ORDER EXTENDING DEADLINE 16 Plaintiffs. FOR ANSWER AND OTHER DATES PREVIOUSLY SET BY ٧. 17 **COURT ORDER DATED** K-M INDUSTRIES HOLDING CO., INC.; **NOVEMBER 29, 2006** 18 K-M INDUSTRIES HOLDING CO. INC. ESOP PLAN COMMITTEE; WILLIAM E. 19 AND DESIREE B. MOORE REVOCABLE 20 TRUST; ADMINISTRATOR OF THE ESTATE OF WILLIAM E. MOORE, 21 DECEASED; CIG ESOP PLAN COMMITTEE; and NORTH STAR TRUST 22 COMPANY, 23 Defendants. 24 25 WHEREAS, by prior Order dated November 29, 2006, this Court 26 established the following schedule for Rule 26 disclosures, consideration of alternative 27 28 Stipulation and [Proposed] Order -1-Case No. C06-07339 MJJ

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of counsel to: Bartko, Zankel, Tarrant & Miller P.C. t

900 FRONT STREET, SUITE 300 SAN FRANCISCO 94111

LOVITT & HANNAN, INC.

(418) 362-8769

dispute resolution procedures and the initial case management conference:

- February 13, 2007: initial meeting of counsel to confer regarding initial disclosures, early settlement, ADR process selection and discovery plan;
- February 27, 2007: Last day to complete initial disclosures, file Case
 Management Statement and file Rule 26(f) report;
- March 6, 2007: initial Case Management Conference to be held at 2:00
 p.m. in Courtroom 11, 19th floor.

WHEREAS, after service of the complaint on Defendants K-M Industries
Holding Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; CIG
ESOP Plan Committee; and North Star Trust Company in December 2006, a
stipulation was reached between Plaintiffs and those Defendants that the answer date
for those Defendants would be extended to and including January 25, 2007.

WHEREAS, additional defendants, the William E. and Desiree B. Moore Revocable Trust and the Trustees of the William E. and Desiree B. Moore Revocable Trust, were served through their counsel on January 10, 2007, and their answer date is currently January 30, 2007.

WHEREAS, Defendants believe, as set forth in the attached Exhibit A, the Declaration of Ronald Lovitt, that it would be beneficial to the orderly and efficient progress of the case if all defendants had a brief extension of time to prepare answers, evaluate the merits of early ADR and prepare Rule 26 disclosures;

WHEREAS, the Defendants do not seek this extension for delay but rather so that the value of the initial pretrial procedures required of the parties and ordered by the Court will be maximized;

WHEREAS, Plaintiffs and Defendants have agreed to a brief stipulated extension of time for the above dates previously set by the Court;

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1 2 3 OF COUNTRY TO: BARNO, ZANKI, TARRANT & MILLER P.C. 4 5 6 7 8 9 10 11 LOVITT & HANNAN, INC. FRONT STREET, SUITE 300 12 SAN FRANCISCO 84111 ATTORNEYS AT LAW 13 416) 382-8769 14 15 18 17 18 19 20 21 22 23 24 25 26 27

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Accordingly, IT IS HEREBY AGREED AND STIPULATED by the parties through their counsel of record that the deadlines set by Court order dated November 29, 2006 shall be extended as follows:

- All defendants will answer the Complaint on or before February 15, 2007:
- February 22, 2007; all parties exchange Rule 26(a)(1) initial disclosures b. and all of the documents referenced in those disclosures;
- March 6, 2007: last day to meet and confer regarding ADR process C. selection, discovery plan and joint case management conference statement;
- d. March 13, 2007: last day to file Joint Case Management Statement pursuant to Rule 26(f);
- March 20, 2007: subject to the convenience of the Court, the initial 8. Case Management Conference will be held at 2:00 p.m. in Courtroom 11, 19th floor.

DATED: January ____ 2007

LOVITT & HANNAN, INC.

Ronald Dovitt

Attorneys for Defendants K-M Industries Holding Co., Inc.; K-M Industries Holding Co., Inc. ESOP Plan Committee; and CIG ESOP Plan Committee

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GARTINO, ZAMECL, TANTANT & MALEN P.C.	DATED: January 23, 2007 DATED: January, 2007	By:
10 0 11 2 0 12	DATED: January, 2007	By: Lisa Screbin Attorneys for Defendant North Star Trust Company LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.
ATTORNEYS AT LAW SOO FRONT STREET, GUITE SAN FRANCISCO 84111 A183 288 24 89 91 15 62 15	-	By: Todd Jackson Attorneys for Plaintiffs Thomas Pernandez and Lora Smith
19 20 21 22 23	Good cause appearing, it is APPR DATED:	OVED: and IT IS SO ORDERED. Honorable Martin J. Jenkins
24 25 28 27 28		UNITED STATES DISTRICT JUDGE
20	Stipulation and [Proposed] Order	-4- Case No. C06-07339 MIJ

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1 1	10		Lisa Serebin Attorneys for Defendant North Star Trust
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DATED: January ___, 2007 HENNIGAN, BENNETT & DORMAN LLP 1 2 BARTKO, ZANKEL, TARBANT & MELKH P.C. DoHoang T. Duong Attorneys for Defendant William E. And Desirec B. Moore Revocable Trust 6 DATED: January ____, 2007 **MORGAN LEWIS** 9 Lisa Screbin 10 Attorneys for Defendant North Star Trust Company 11 LOVITT & HANNAN, INC. 900 FRONT STREET, SUITE 300 12 DATED: January 23, 2007 LEWIS, FEINBERG, LEE, RENAKER & SAN FRANCISCO 94111 ATTORNEYS AT LAW JACKSON, P.C. 13 (415) 368-B769 15 Attorneys for Plaintiffs Thomas Fernandez and Lora Smith 17 18 19 20 Good cause appearing, it is APPROVED: and IT IS SO ORDERED. 21 22 DATED: 23 Honorable Martin J. Jenkins UNITED STATES DISTRICT JUDGE 24 25 26 27 28 Stipulation and [Proposed] Order -4-Case No. C06-07339 MJJ

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